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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,339	03/09/2001	Richard A. Wiltshire	122923-1000	7334

7590

10/04/2002

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EXAMINER

WHITE, CARMEN D

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,339

Applicant(s)

WILTSHIRE ET AL.

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-8, 10-16, 20, 22-24, 27, 29-37 and 39-44 are rejected under 35

U.S.C. 102(e) as being anticipated by **Luciano** et al (6,168,521) or **Yacenda** (6,322,446).

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Regarding claims 1-2, 4, 6-8, 10-16, 20, 23-24, 27, 30-31, 33, 35-37 and 39-43, Luciano or Yacenda teaches a lottery pooling management system that comprises a participant interface, the participant interface being in communication with a participant computer, the participant interface being configured to allow pool participants to participate in one or more lottery pools, each lottery pool having one or more sets of lottery numbers; a lottery interface, the lottery interface being in communication with one or more lotteries and the participant interface, the lottery interface being configured to ascertain drawing results and jackpot amounts for the one or more lotteries and to compare the drawing results with the one or more sets of lottery numbers in the one or more lottery pools; and a notification interface, the notification interface being in communication with the participant interface and the lottery interface, the notification interface being configured to alert pool participants about activity in the one or more lotteries, the status of the lottery pool, and the compared drawing results (Luciano-Fig. 1; Fig. 2; Fig. 3; Fig. 8; col. 2, lines 33-65; col. 3, lines 1-28; Yacenda- Fig. 1; Fig. 2A and Fig. 2B).

Regarding claims 3 and 32, Luciano teaches all the limitations of the claims as discussed above. Luciano further teaches the entry and editing of the numbers by the players (Fig. 3, #38- see "Enter" input as well in this figure).

Regarding claims 5 and 34, Luciano teaches all the limitations of the claims as discussed above. Luciano further teaches the replay of the numbers (lines 5-7 of abstract).

Regarding claims 22, 29 and 44, Yacenda teaches all the limitations of the claims as discussed above. Yacenda further teaches the network being the Internet (col. 4, lines 34-36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 21, 28 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Luciano*** et al (6,168,521).

Regarding claims 21 and 28, Luciano teaches all the limitations of the claims as discussed above. Luciano further teaches the display of results so as to add excitement to the game (see last sentence of abstract). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify this concept taught by Luciano to further include the highlighting of matches to increase the excitement and to add an aesthetic appeal that would attract players to the lottery game.

Regarding claims 9 and 38, Luciano teaches all the limitations of the claims as discussed above. While Luciano teaches the feature of replaying the ticket in a future lottery (abstract), Luciano is silent regarding the feature of notifying the player of an updated jackpot amount. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Luciano to increase the player's anticipation of winning larger jackpots in the future.

Claims 17-18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yacenda** (6,322,446).

Regarding claim 17, Yacenda teaches all the limitations of the claims as discussed above. While Yacenda teaches the electronic notification {online} (col. 3, lines 59-60), Yacenda is silent on the particular means of electronic notification. The examiner takes official notice that it is well known in the art to use e-mail as a form of online communication. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate e-mail notification in Yacenda to make the process of winner notification quicker and more convenient for the player; whereby the player would not have to track the winning outcome(s) him/herself.

Regarding claims 18 and 25, Yacenda teaches all the limitations of the claims as discussed above. Yacenda further teaches the monitoring of the time remaining (Fig. 3, #201). However, Yacenda is silent regarding alerting the participants of time remaining before the lottery closes. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate this feature in Yacenda to allow the participant a fair opportunity to choose lottery picks before being disqualified.

Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yacenda** (6,322,446) in view of **Luciano** et al (6,168,521).

Regarding claims 19 and 26, Yacenda teaches all the limitations of the claims as discussed above. Yacenda is silent regarding the feature of alerting the winner with a varying color scheme. However, in an analogous lottery system, Luciano teaches displaying the lottery results in such a manner as to provide the excitement (last

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sentence of abstract). It would have been obvious to a person of ordinary skill in the art at the time of the invention to enhance the display of results of Yacenda, as taught by Luciano, and to further enhance both Yacenda and Luciano by providing a color output to increase the excitement of the game and to add an aesthetic appeal that attracts players.

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker et al, Tsuda et al and Archer teach electronic lottery systems.

USPTO Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.



C. White
Patent Examiner



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700